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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,113	07/10/2002	Christoph Haluschka	10191/2259	9123
26646	7590	11/07/2003	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			PATEL, VINOD D	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 11/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/070,113

Applicant(s)

HALUSCHKA ET AL.

Examiner

VINOD D. PATEL

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 July 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.                      6) ☐ Other: \_\_\_\_\_

## **DETAILED OFFICE ACTION**

### **INTRODUCTION**

1. This application/control number 10/070,113 has been examined. This is the first action on the merits of the claimed invention. The application has claims 15-31 pending.

#### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the electrode applied on at least one insulating layer as claimed in the claim 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to because the drawings do not show sectional lines in Figure 2 to indicate the location of the cross-sectional view shown in the Figure 4. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 15-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Sato (EP0834652 A1).

Sato discloses a sheathed-element glow plug provided with ionic-current sensor comprising a housing (4), a rod-shaped heating element (6) arranged in a concentric bore hole of the housing, the heating element including at least one insulating layer (8) made of an electrical insulating ceramic material, a first lead layer (9a) and a second lead layer (9b) and a bar (14) are made of the electro conductive ceramic material, the bar (14) is located at the end of the heating element (6), the first lead layer (9a) and the second lead layer (9b) are connected by the bar (14), a first electrode (7) and a second electrode (14) for detecting the ionic current, the first electrode (7) embedded in the insulating layer (8) and the second electrode (14) applied on the at least on insulating layer (as shown in the Figures 2, 14), the first and second lead layers (9a, 9b) are made of tungsten, the first electrode (7) and the second electrode (14) and insulating layer (8) are made of electro conductive ceramic powder mixture of molybdenum silicide and non conductive ceramic powder silicon nitride, it also teaches use of metal such as platinum for electrodes.

The method steps of claims 26-31 are inherently performed by the structure of the Sato (EP0834652 A1).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINOD D. PATEL whose telephone number is 703-308-5227. The examiner can normally be reached at 7.30 A.M. TO 4.00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward K Look can be reached at 703-308-1044. The fax phone numbers for the organization where this application or proceeding is 703-872-9306. Any inquiry of a general nature or relating to the status of this

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application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.

VP



Vinod Patel  
Patent Examiner  
Art Unit 3742



EDWARD K. LOOK  
SUPERVISORY PATENT EXAMINER  
GROUP 3700

10/31/03